

UNITED STATES DISTRICT COURT

for the

Eastern District of California

MAY 20 2008

FILED

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIABY [Signature]
DEPUTY CLERK

United States of America)

v.)

MARCOS ENRIQUE GARCIA)

Date of Previous Judgment: June 10, 2005)

(Use Date of Last Amended Judgment if Applicable))

Case No: 2:03CR0549-02USM No: 14908-097

David M. Porter, AFD

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months is reduced to 67.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 33Amended Offense Level: 31Criminal History Category: ICriminal History Category: IPrevious Guideline Range: 135 to 168 months Amended Guideline Range: 108 to 135 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

This sentence consists of 67 months on each of Counts 1 through 6, all to be served concurrently.

Except as provided above, all provisions of the judgment dated 6/10/2005 shall remain in effect.

IT IS SO ORDERED.

Order Date: May 13, 2008[Signature]
Judge's signatureEffective Date: _____
(if different from order date)EDWARD J. GARCIA, SR. U. S. DISTRICT JUDGE
Printed name and title